

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of :  
Takashi OKADO et al. :  
Serial No. NEW : **Attn: APPLICATION BRANCH**  
Filed February 13, 2004 : Attorney Docket No. 2003\_1772

GENE REGULATING AUREOBASIDIN  
SENSITIVITY  
(Rule 1.53(b) Divisional of Serial No. 09/951,217,  
Filed September 12, 2001)

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**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to the provisions of 37 CFR 1.56, 1.97 and 1.98, Applicants request consideration of ☒ the references listed on attached form PTO-1449 and/or ☐ the additional information identified below in paragraph 3. A legible copy of each reference listed on the form PTO-1449 and each U.S. patent application listed below is enclosed, except a copy is not provided for each reference previously cited by or submitted to the Patent Office in prior parent application Serial No. 09/951,217.

1a. ☒ This Information Disclosure Statement is submitted:

within three months of the filing date (or of entry into the National Stage) of the above-entitled application, **or**

before the mailing of a first Office Action on the merits or the mailing of a first Office Action after the filing of an RCE,

**and thus no certification and/or fee is required.**

1b. ☐ This Information Disclosure Statement is submitted

after the events of above paragraph 1a and prior to the mailing date of a final Office Action or a Notice of Allowance or an action which otherwise closes prosecution in the application, and thus:

(1) ☐ the certification of paragraph 2 below is provided, **or**

(2) ☐ the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.

1c. ☐ This Information Disclosure Statement is submitted:

after the mailing date of a final Office Action or Notice of Allowance or action which otherwise closes prosecution in the application, and prior to payment of the issue fee, and thus:

**the certification of paragraph 2 below is provided, and**

**the fee of \$180.00 specified in 37 CFR 1.17(p) is enclosed.**

2. It is hereby certified

a. ☐ that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Statement, or

b. ☐ that no item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in §1.56(c) more than three months prior to the filing of the Statement.

3. ☐ Consideration of the following list of additional information (including any copending or abandoned U.S. application, prior uses and/or sales, etc.) is requested.

4. For each non-English language reference listed on the attached form PTO-1449, reference is made to:
- a. ☐ a full or partial English language translation submitted herewith,
  - b. ☐ a foreign patent office search report (in the English language) submitted herewith,
  - c. ☐ the concise explanation contained in the specification of the present application at page ,
  - d. ☐ the concise explanation set forth in the attached English language abstract,
  - e. ☐ the concise explanation set forth below or on a separate sheet attached to the reference:
5. ☐ A foreign patent office search report citing one or more of the references is enclosed.

Respectfully submitted,

Takashi OKADO et al.

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February 13, 2004

FORM PTO 1449 (modified)

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICELIST OF REFERENCES CITED BY APPLICANT(S)  
(Use several sheets if necessary)

Date Submitted to PTO: February 13, 2004

ATTY DOCKET NO.  
2003\_1772SERIAL NO.  
NEWAPPLICANT  
Takashi OKADO et al.FILING DATE  
February 13, 2004

GROUP

## U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA						
	AB						
	AC						
	AD						

## FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO	
	AE	0 644 262 A2	3/1995	EP				
	AF	0 692 534 A2	1/1996	EP				
	AG							

## OTHER DOCUMENT(S) (Including Author, Title, Date, Pertinent Pages, Etc.)

	AH	S. HEIDLER et al., "The AUR1 Gene in <i>Saccharomyces cerevisiae</i> Encodes Dominant Resistance to the Antifungal Agent Aureobasidin A (LY295337)", Antimicrobial Agents and Chemotherapy, Vol. 39, No. 12, pp. 2765-2769, December 1995.						
	AI	R. DICKSON et al., "Synthesis of Mannose-(inositol-P) <sub>2</sub> -ceramide, the Major Sphingolipid in <i>Saccharomyces cerevisiae</i> , Requires the IPT1 (YDRO72c) Gene", The Journal of Biological Chemistry, Vol. 272, No. 47, pp. 29620-29625, November 21, 1997.						
	AJ	T. HASHIDA-OKADO et al., "Cloning and Characterization of a Gene Conferring Resistance to the Antifungal Antibiotic Aureobasidin A(R106-I) in Yeast", Faseb Journal, Vol. 9, No. 6, p. A1371, April 24, 1995 * abstract *.						
	AK	BOYER et al. (1994) Accession Number Z28004 EMBL/GenBank/DDBJ Databases. <i>S. cerevisiae</i> Chromosome IX reading frame ORF YKL004w.						
	AL							
	AM							
	AN							

EXAMINER

DATE CONSIDERED